

organized in a neutral country. International law protects them. Lamentably, the intransigence of the imperialist government weighs heavily on international law, although the US itself was a signatory to some of these very treaties.

### Patriots, Not Terrorists

The US wants to sow the idea that those who use armed revolution as an organized means of resistance, as anti-colonial protest, as prolonged people's war, as the seizure of power, as an act of self-defense against aggressions which have included assassinations of independence activists or any other means of struggle, are terrorists. The Puerto Rican independence movement and other advanced sectors of our people do not see it that way. They view the POWs as they should be seen—as patriots. And that is how they have been viewed since the 19th Century. Great historical figures have been characterized by their defense of our prisoners of war. From Ramón Emeterio Betances and Eugenio María de Hostos to Juan Antonio Corretjer, the defense has been that they are patriots and not terrorists.

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## *The Puerto Rican Prisoners of War*

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*by Juan Manuel Delgado, Historian*

On April 4, 1980, the repressive forces of the United States arrested eleven Puerto Ricans in the suburb of Evanston, Illinois. They were immediately accused of membership in the Armed Forces of Puerto Rican National Liberation (FALN). The arrests took place at 4:00 in the afternoon and by 10:00 that evening, the patriots had declared themselves "prisoners of war".

The eleven arrestees were Carlos Alberto Torres, Luis Rosa, Freddie Méndez, Adolfo Matos, Elizam Escobar, Ricardo Jiménez, Ida Luz Rodríguez, Dylcia Pagán, Carmen Valentín, Alicia Rodríguez and Haydeé Torres.

Afterwards, a massive campaign was carried out to publicly denounce the psychological torture of Freddie Méndez. Méndez was subject to psychological torture and sophisticated "pressure" and brainwashing techniques until he became a mouthpiece of the federal authorities.

The principled position of those arrested—the prisoner of war position—introduced a new front of struggle to the international arena. This new front was publicly backed by organizations that support Puerto Rico's right to armed revolution of an anti-imperialist and anti-colonial nature. However, confronted with the fact that some combatants had been captured, the creation of organizations to defend the prisoners of war became necessary.

Because of the circumstances described beforehand, the National Committee to Free Puerto Rican Prisoners of War was immediately organized.

## *Who is a Prisoner of War?*

From the international viewpoint, a prisoner of war is any combatant or reserve, that in any phase or circumstance of war, either by individual or collective surrender, or by being captured, falls into the enemy's hands.

only serves to reaffirm that the eleven were combatants in the struggle for Puerto Rican independence at the time of their arrests. According to the Geneva Treaty, ratified by the UN in 1949, captured soldiers are prisoners of war. The United States was one of the signators to the Geneva Convention.

UN Resolution 2621 also points out that each prisoner of war must be treated in accord with the Geneva Convention, which was approved on January 12, 1949. (UN Treaty series, volume 24, 1950-52). Along with this resolution, there exists others that clearly establish that all combatants who struggle for the independence and self-determination of colonized peoples must be considered prisoners of war at the moment of their capture. In addition, captured combatants must also be treated according to the stipulations of the Geneva Convention. Examples of these resolutions are No. 2852 of December 20, 1971 and resolution 3101, approved on December 12, 1973.

In a meeting on July 8, 1977, the Diplomatic Conference on the Reaffirmation and Development of International Human Rights applicable to Armed Conflict approved the additional protocols of the Geneva Convention of 1949 (Nos. 1 and 11). At this conference, the Geneva Convention was extended in order to protect the combatants who struggle against colonialism and foreign intervention. That is, said Conference confers prisoner of war status on all anti-colonial combatants. Before this, at the 1974 session of the Diplomatic Conference, the Cuban delegate stated that he voted in favor of article 1, paragraph 4, understanding that the text of the resolution was not limited to movements recognized by the Organization of African Unity and The League of Arab States, or those movements that were present at the Conference, but extended to others, including the Puerto Rican National Liberation Movement. (Rozas, "The Legal Status of Prisoners of War", Helsinki, 1976, pg. 274, taken from Libertad, Vol. II, No. 1, May 1980).

Article 45 of the additional protocols sustain the right of any prisoner of war to be heard by a federal court until his status can be decided by the appropriate international tribunal. The judges, prosecution, jury and all those who participate in this illegal process against the prisoners of war, do so representing the foreign power that occupies the colony. For this reason, the prisoners demand the right to be taken before an ad-hoc military tribunal

and annexationist-oriented separatists. That division, among other factors, affected the development of the independence movement after the North American invasion and occupation.

After enduring a period of civil strife from 1900 to 1930—there still surged a series of independence conspiracies in 1899 and 1900—Puerto Rican nationalism was organized to achieve independence by using various means of struggle, including armed struggle. The 1930's were characterized by imperialist repression and at the same time, by revolutionary violence. The Nationalists' violence was of a retaliatory nature. In 1950, the Jayuya uprising, an anti-colonial rebellion took place and the reverberations of liberating gunpowder were heard at Blair House. This act of heroism was repeated in 1954, this time at the US Congress. Several clandestine organizations have entered the fight for Puerto Rican independence by the end of the 1960's. This included the Armed Comandos of Liberation (CAL), the Puerto Rican Popular Army (Macheteros), the Armed Forces of Puerto Rican National Liberation (FALN) and the Armed Forces of Popular Resistance (FARP) among others. All enjoy great prestige, admiration and recognition within the independence movement.

#### *International Law*

Armed struggle, military resistance and whatever form of struggle that leads to the independence of nations that are colonized, invaded and occupied by foreign military troops, is recognized as a right by the UN. Puerto Rico, by virtue of being a colonial state is supported by International Law.

On October 12, 1970, UN resolution 2621 approved by the General Assembly, declared colonialism an international crime. Said resolution reaffirmed the right of any intervened, colonized nation to utilize whatever form of struggle is necessary to obtain its independence.

International Law is also very specific in reference to prisoners of war. According to the Geneva Convention, combatants who have declared themselves prisoners of war must be recognized as such. Those arrested in Evanston were armed and accused of belonging to the Armed Forces of Puerto Rican National Liberation. The nature of the arrest and the US government's own indictment

In ancient times, prisoners of war were assassinated or used as slaves to carry out back breaking tasks. In many towns, this was the origin of slavery.

In the Middle Ages, this way of thinking changed favorably for the prisoner given that at least theoretically, one could perceive—within the context of Christian ideology—that it would be a sin to deprive a prisoner of his life or condemn him to slavery. Later, the Church advanced the practice of considering combatants, and not the civilian population, as prisoners. This was a step forward. Progress was made in this area after the Middle Ages, and after the French Revolution, basic principles were established for the humanitarian treatment of prisoners of war. The Crimean War and the war between France and Sardinia provoked a reaction favorable to the recognition of an international accord which would better the conditions of wounded and infirm soldiers. It is from that perspective that the Geneva Convention is celebrated in 1864. The international treaty, signed on August 22 of that year, was approved by twelve European countries and by Persia. It was later recognized by almost all sovereign countries.

At the 1899 Hague Peace Conference, the Geneva Convention accords were ratified and expanded to include maritime war. In 1906, a new Geneva Conference, signed by 35 countries, superseded the 1864 accords. Another conference took place in 1929 and was largely responsible for achieving a maximum of respect, fair and humane treatment for all prisoners of war. These agreements were expanded in 1949, the product of four international Geneva Conferences. The agreements took effect in 1950. As we can see, there exists a large body of international law which protects prisoners of war.

#### *Origin of the Puerto Rican Prisoners of War*

The history of Puerto Rico demonstrates that for almost two centuries, distinct sectors of Puerto Rican society have been at war against the invaders who held political, military and economic power. First against Spain and since 1898 against the United States, the state of war has existed and exists because the roots of the war existed and exist in contemporary Puerto Rico.

Spain made war on the emancipation movement—the Nationalist movement. Spain also made war on Central and South America and the Antilles, including Puerto Rico. Spain made war on our people throughout the entire 19th century. While the Liberating Army, led by Simón Bolívar celebrated a victory in Boyacá and entered Bogotá as the liberator of New Granada, the Spanish Army captured a secret society that rebelled in Yauco in 1820. Some town historians sustain that the army used firing squads to kill the leaders of the uprising in the public plaza. While McKinley celebrated his imperialist victory, the army was executing rebels captured in the town of Ciales. Isn't it war to execute by public firing squad those who rebel against the colonial State? That is exactly what Spain did with the small property-owners, journeymen, slaves, artisans, indentured servants and other sectors that protested against the colonial State during the entire 19th century.

### *War Booty of 1898*

Puerto Rico was invaded and occupied by military forces in 1898. Try as they may to justify martial law in Puerto Rico, bourgeoisie jurists and local colonialists must accept that the colonial legislation imposed on the Puerto Rican people (Foraker and Jones Acts, ELA, etc) is the result of an act of war.

The state of war continued for the duration of the military dictatorship, imposed from 1898-1900. After all military resistance had been silenced, either by disarming the people or destroying the armed focos that existed, the US government initiated psychological warfare. This kind of warfare was initiated during the military invasion and was continued by organizing all colonial structures whose purpose was the same—political oppression and economic exploitation.

Almost instantly, a public school system was established to maintain imperialism and colonial ideology.

The invaders instilled fear by means of terror and propagated the myth that if the US were to "abandon" Puerto Rico, the people would die of hunger.

It is a little-known fact that this type of terror was the action by generals such as general Davis, who closed down various newspapers, among them, *Combat*, *The Machinegun* and *The Bomb*, as

well as jailing journalists or reporters who supported independence for Puerto Rico or were critical of the dictatorship. According to the distinguished historian Loida Figueroa, general Davis threatened to shoot several reporters if they continued to speak out in favor of independence.

The political history of that era is well known. The US military forces and police maintained a state of war against all liberation movements.

### *The Independence Movement's Reply*

Confronted by this imperialist aggression and by this state of war maintained by the occupying forces, the independence movement replied with revolutionary violence. Since the beginning of the 19th Century, the independence movement has used revolutionary violence. The list of actions is extensive, ranging from the conspiracy at San Germán in 1809 to the uprising of Ciales, San Germán and Sabana Grande in 1898. The Spanish occupation forces were the object of more than thirty conspiracies. Some, like the Lares Uprising, the riots and sedition of 1897 and the Secret Societies at the end of the Century, became popular rebellions. Another important act of revolutionary violence was that carried out by the slaves. By 1873, over twenty slave conspiracies had been carried out, including some of great political importance such as the Ponce and Vega Baja conspiracies.

Since the beginning of the North American invasion, the independence movement has responded with revolutionary violence to each aggression. In 1898, there was military resistance, albeit isolated, by guerrilla groups. This spontaneous movement, while neither of a popular character or supported by the institutionalized independence movement, remains a testament to the volition and commitment to our national sovereignty. It was a historic response, symbolic because it came at a difficult moment in which certain sectors of the independence movement believed that the invasion was a liberating process and other sectors of Puerto Rican separatism believed in annexation. Some desired independence from Spain in order to be annexed by the US. As I have pointed out since 1976, by the end of the 19th Century, Puerto Rican separatism was divided into two tendencies, independence-oriented separatists